IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 652 of 1983
With
CIVIL REVISION APPLICATION No. 653 of 1983

For Approval and Signature:

THE *HON'BLE* MISS JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?

5 Whether it is to be circulated to civil judge?

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KARUNASAGAR MANDIR SARVAJANIK TRUST & 5 - Applicant(s)

Versus

SHANTILAL CHHOTALAL JARIWALA [EXPIRED] & 3 - Opponent(s)

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Appearance :

MR ARUN H MEHTA for Petitioner No(s).: 1,2,3,4,5,6.

UNSERVED-EXPIRED (N) for Respondent No(s).: 1.

RULE NOT RECD BACK for Respondent No(s).: 2, 3,4.

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CORAM :HON'BLE MISS JUSTICE R.M.DOSHIT

Date : 07/07/2005

ORAL JUDGMENT

These two Revision Applications preferred under Section 29 (2) of the Bombay Rents, Hotel & Lodging House Rates Control Act, 1947 {hereinafter referred to as, "**the Rent Act**"} arise from the common judgment and order dated 1st March, 1983 passed by the learned Assistant Judge, Surat in Regular Civil Appeals Nos. 250 & 251 of 1981.

The petitioners are : the Trust and the Trustees of the petitioner no.1-Trust [hereinafter referred to as, "**the Trust**"]. The Trust is the owner of the property situated at Surat, in Ward No. 5, bearing Nondh No. 964. Parts of the suit property were leased to the respondent in each Revision Application. Respondents instituted Rent Suit Nos. 186 of 1977 and Rent Suit No. 188 of 1977 in the Court of Small Causes at Surat. The respondents claimed that the Trust had unlawfully dispossessed the respondents. The respondents, therefore, prayed for a decree for restitution of possession.

Both the suits were consolidated. The learned trial Judge, by judgment and order dated 4th August, 1981 allowed the suits and passed decree for restitution of possession in favour of the plaintiffs. Feeling aggrieved, the petitioners preferred above referred Regular Civil Appeals Nos. 250 of 1981 and 251 of 1981 in the Court of learned District Judge, Surat. The learned Assistant Judge, Surat, by the impugned common judgment and order confirmed the finding recorded by the trial Court and dismissed the Appeals. Hence, the present Revision Applications.

In view of the concurrent finding recorded by both the Courts below that the plaintiffs were the tenants in the suit premises as alleged; and that they were forcibly

dispossessed by the Trust, no interference is warranted. The Revision Applications are dismissed with cost. *Rule nisi* issued in each Revision Application is discharged. Interim relief stands vacated.

The Registry shall maintain copy of this order in each Revision Application.

{Miss R.M Doshit, J.}

*Prakash**